

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHRISTOPHER ARMSTRONG,

Plaintiff/Counter-Defendant,

vs.

Case No: 11-cv-11921
Hon. Terrence G. Berg

ANDREW SHIRVELL,

Defendant/Counter-Plaintiff.

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**PLAINTIFF/COUNTER-DEFENDANT'S EX PARTE MOTION FOR
RENEWED CIVIL JUDGMENT [Doc # 196]**

NOW COMES Plaintiff and Counter-Defendant Christopher Armstrong, hereafter “Armstrong,” by and through his attorneys, Deborah L. Gordon, of Deborah Gordon Law, and in support of his Ex Parte Motion for Renewed Civil Judgment, hereafter the “Motion,” says:

1. After trial by jury in this case, Armstrong obtained his Judgment for Plaintiff, [Doc #196], the “Judgment,” in the amount of \$4,500,000.00, with interest as provided by law, against Defendant Shirvell.

2. Defendant Shirvell’s appeal to the Sixth Circuit Court of Appeals was denied and that Court’s Mandate issued and was entered on the docket of this Court on June 2, 2015 [Doc # 250]. Defendant Shirvell’s petition for writ of certiorari to the US Supreme Court was denied by a letter from that Court entered in this Court’s docket on November 3, 2015 [Doc # 252].

3. Defendant Shirvell now resides in Florida and has failed to pay any amount at all on of the outstanding Judgment and has defied efforts by Armstrong’s counsel to do so, even after Armstrong retained Florida counsel for that purpose.

4. Defendant Shirvell was formally disbarred by the Michigan Attorney Discipline Board on March 30, 2017.

5. Armstrong is permitted by MCL 600.2903 and 600.5809(3) to renew the judgment for an additional ten years.

6. A proposed renewed judgment is attached for entry as **Ex. A.**

7. This Motion is an appropriate “action” within the meaning of MCL 600.5809(3). *See Van Reken v Darden, Neef & Heitsch*, 259 Mich App 454, 460-61 (2003), *lv denied*, 471 Mich 865 (2004) (“We find that plaintiff’s ex parte motion constituted an assertion of a right through a judicial proceeding and, thus, was sufficient to be considered ‘an action’ under MCL 600.5809(3).”).

WHEREFORE, Plaintiff Armstrong prays that this Honorable Court will enter a renewed Judgment as permitted under these circumstances and as set forth pursuant to MCL 600.5809(3).

Dated: August 24, 2022

DEBORAH GORDON LAW

/s/Deborah L. Gordon (P27058)

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CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2022, I electronically filed with the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

DEBORAH GORDON LAW

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